

December 10, 2007

**City of Milton-Freewater
City Council Minutes**

The Council of the City of Milton-Freewater met in regular session Monday, December 10, 2007 at 7:00 p.m. in the Albee Room of the Library.

The following members were present: Mayor Lewis Key, Councilors Orrin Lyon, Keith Woods, Debbie Kelley, Steve Irving, Brad Humbert and Youth Councilor Patsy Sandoval.

Councilor Ed Chesnut was absent due to being out of town.

Staff members present were: City Manager Linda Hall, City Recorder Leanne Steadman, Police Chief Doug Boedigheimer, Code Enforcement Officer Angie McColley, Corporal Greg Stallings, Officers Alan Parker, Scott Clayton, Jon Roberts and Pat Garrett.

Citizens present were: Stan Oleson, Monte McDonald, Dean Babcock, Mike and Heather Humbert, John Dodd, Kenny Jenkins, Christine Boedigheimer, Judy Gardner, Mark Hines, Douglas and Patricia Magnaghi, George Petty, Gary Martin, Mark Esry, Homer Wood, Dick Cress, Mike Onstot, Chris Zacharias, Catherine Anderson, Brian Calley, Levi Garrett and an unidentified Athena resident.

Press members present were Melanie Hall of the Valley Herald and Flynn Espe of the Eastern Oregonian.

CONSENT CALENDAR ITEMS:

The consent calendar items consisted of minutes from the November 26, 2007 meeting and Account Payables from November 21st - December 6th, 2007. Councilor Kelley motioned to approve the consent calendar items. Councilor Woods seconded the motion which passed unanimously.

PRESENTATIONS:

INTRODUCTION OF NEWLY HIRED POLICE DEPARTMENT EMPLOYEES

Police Chief Doug Boedigheimer introduced two newly hired officers, Alan Parker and Scott Clayton. He also introduced the VIPS (Volunteers In Policing Services) by having each one stand up and introduce themselves. Those present were: Dick Cress, Patricia Magnaghi, Douglas Magnaghi, Homer Wood, John Dodd, Stan Oleson, Monte McDonald, Gary Martin, George Petty and Mark Esry.

City Manager Linda Hall introduced Angie McColley, the City's newly hired Code Enforcement Officer. Ms. Hall praised Ms. McColley on the workmanship she has shown and how fortunate the city is to have someone of this caliber.

MEDAL AWARD CEREMONY AND LIFE SAVING AWARD

Police Chief Doug Boedigheimer presented Pat Garrett with the Chiefs Medal of Merit for going above and beyond in the line of duty. In the course of attempting to arrest the suspected subject, Officer Garrett and the other officers involved were confronted and

surrounded by an angry and hostile mob of 50 individuals. Garrett helped resolve the dangerous situation, quickly arresting the suspect without injury to anyone involved. Chief Boedigheimer also presented Officers Alan Parker, Scott Clayton, Jon Roberts, and Corporal Greg Stallings with a Life Saving Citation Award along with a Life Saving Bar for responding to a medical emergency during which they performed CPR until medics arrived.

NEW BUSINESS:

ORDINANCE NO. 946 AMENDING CITY CODE TITLE 8, CHAPTERS 4 & 5 REGARDING ANIMAL CONTROL REGULATIONS

Police Chief Doug Boedigheimer and Code Enforcement Officer Angie McColley took the podium. Ms. McColley asked the Council how they wanted this ordinance presented due to the lengthiness of the code. It was the consensus of the Council to ask what questions they had instead of going line by line through the ordinance.

As Councilor Chesnut was planning to be out of town, he had emailed his comments prior to the meeting to City Manager Linda Hall regarding the topics for the Council meeting. These notes and comments were handed out to all Council members prior to the meeting.

Councilor Kelley began the discussion by stating she had the same question as Councilor Chesnut had as to why the draft had replaced the word “animal” with “dog”.

Chief Boedigheimer agreed with Councilor Kelley that “dog” should be changed back to “animal”. The reason behind changing animal to dog was due to budgetary reasons. The department does not have the budget to necessarily address all animals and by replacing animal with dog it narrowed the field for enforcement.

Councilor Humbert asked about the wording regarding horses inside city limits. His concern was that this change would ban these animals from current lots. He asked if a horse is grandfathered in under this new ordinance, and that horse died, would the owner be allowed to have another horse take its place.

Ms. McColley answered yes; it would as the code is written currently. This part of the code could be worded better and should include more livestock, in her opinion.

Councilor Kelley inquired about how owners of ducks and geese would be affected by the proposed ordinance.

City Manager Linda Hall responded by explaining staff was not proposing changes to these regulations. She added that most of the complaints have been with roosters because of the noise.

Ms. Hall noted that the primary concerns with the changes seemed to be with the “livestock” portion. She asked if Council was in agreement with the vicious dog portion of the ordinance.

Councilor Humbert stated he had no problems with the dog portion, explaining the problem dogs needed to be addressed more adequately.

Councilor Lyon asked how the required insurance policy for a declared potentially dangerous dog would be monitored. Specifically he asked if there would be someone going around checking for this or would it be checked only once a problem arose.

Ms. McColley replied, this would be checked once a problem arises. Ms. McColley reviewed the steps of what would take place once a dog had been declared potentially dangerous. First, the dog must be registered as a potentially dangerous dog and a completed "Potentially Dangerous Dog Packet" must be filled out. Payment of required registration fees must be collected. The dog would be micro-chipped, mandatorily spayed or neutered, a photo of the dog taken with its owner, a secure enclosure ensured, complete with warning signs noting a dangerous dog and a liability insurance policy of \$100,000 be in place. Failure to comply would result in the dog being seized and humanely euthanized at the owner's expense.

Councilor Humbert asked for clarification of section 8-5-8 KENNELS PROHIBITED. He said it sounded like if he was to have a dog that had a litter of pups that he sold for a profit then his residence could be considered a kennel.

Ms. McColley replied that the average household that had one, two or even four litters of pups would not be considered a kennel. It's meant to be a place where several breeding dogs are housed and the owner or operator is clearly trying to make a profit off these litters.

Mayor Lewis Key felt at this time, since Council was discussing this subject, and there were clearly citizens at the meeting for this subject, the floor be opened for citizens to approach the council at this time.

Heather Heather – 405 NE 5th, stated she has two acres in town and has horses which have been with her for 16 years. Her concern was that this new ordinance would make her have to get rid of her horses. She feels like her horses are just like family members and she is not going to get rid of a family member.

Ms. Hall said she too is a horse lover and assured Mrs. Humbert the City was not going to make her get rid of her horses, nor was that the intention of this ordinance.

Mike Onstot – 112 NE 2nd, stated he thought it would make more sense to take the current code and put some teeth behind it then to make a lot of changes. He said there are a lot of people who have dogs that don't license them now. He felt it is not fair to make owners add an additional \$100,000 liability policy to their insurance if they are not the problem.

City Manager Linda Hall clarified that the only people who would be required to carry an additional insurance policy would be the owners of dogs declared to be potentially dangerous. Not every dog owner would be required to carry this additional policy.

Dean Babcock – 1219 College, stated he was very concerned that the city was trying to ban horses from city limits. He read the article in the Walla Walla Union-Bulletin and was very upset. He said he does not attend council meetings and only knows what he reads in the paper and does not know what has already be talked about on this subject. He was also very concerned that the article mentioned there were only two people that could “approve” whether or not a horse could be in town. He wondered if these two people were qualified to know whether or not he could have horses on his property.

Ms. Hall shared with everyone present that there is a citizen packet for council meetings available at the Library to be checked out. Ms. Hall also shared that she had just received a letter from a business and horse owner, Sharee-Larue Wright, opposing the perceived banning of horses in the city limits as well.

Councilor Kelley told Mr. Babcock that this was the Councils’ first meeting on this subject and she was very happy that he came to the council meeting tonight to share his concerns.

Catherine Anderson – 315 S. Elizabeth, then approached council. She stated she liked what she heard about the vicious dog packet. She said as a home owner she has been asked by her insurance carrier if there was going to be a dog residing at the residence because they would be included on the insurance policy. She said she would like to see more education about pets.

Sam Hubbard – 107 E. Broadway, Mr. Hubbard said City Manager Linda Hall had already answered his questions but wanted to know if horses can still come to town and visit his store, Sam’s Corner Market, if this ordinance were adopted.

Ms. Hall replied, yes!

Mark Esry – 117 Poplar, stated his main concern was with dogs at large. He said there is not a day that goes by that he doesn’t see 4-5 dogs that are just running around loose. He asked if something could be put in the utility bills just warning owners about taking responsibility for their animal.

Daryl Clifton – 517 N. Main, Mr. Clifton referred back to an incident that happened to him in the City of Walla Walla when his dogs got loose which resulted in a \$5,000 citation. His concern was that the ordinance is going to be too broad and needs to be defined.

Councilor Humbert stated he felt this ordinance is getting misunderstood, and that the City is just trying to update the current ordinance so people would be accountable.

Judy Gardner – 182 S. Main, stated her main concern was that the city be required to give dog owners warnings about their dogs if there have been complaints against them. She said she would appreciate that so the owners could try and fix the problem before someone just took the dog away from the owner. She asked for an explanation of “at large”.

City Manager Linda Hall explained that would be where the dog owner was nowhere in sight. This is in the code for the protection of our citizens as well as the protection of the dog.

It was the consensus of the Council to direct staff to go back and make revisions to this ordinance and bring it back to them at the January 2008 meeting.

Councilor Woods asked Code Enforcement Officer Angie McColley if there had been a lot of dog licenses sold. She replied they started selling 2008 dog licenses in September as a courtesy to citizens and unofficially they have almost doubled the number of dog licenses sold in previous years. She said if she finds a dog that is not licensed she gives that owner a 72 hour time frame to come in and get a license.

RESOLUTION NO. 2068 AMENDING DOG LICENSE FEES

Council agreed to table this resolution, as it is connected to changes to the ordinance which had been tabled.

Mayor Lewis Key announced to take a short break at this time, 8:28 p.m.

Council reconvened at 8:39 p.m.

Councilor Irving complimented Police Chief Doug Boedigheimer and Code Enforcement Officer Angie McColley for their presentation.

PRIORITIZATION OF CAPITAL BUDGET PROJECTS FY09

Council prioritized capital budget projects for fiscal year 2009 which each department had brought forward at a meeting on November 26, 2007. Councilor Humbert started the process by expressing his top priority project for Public Works would be the compactor for the landfill operations and second priority would be to rehabilitate the well at the farm. This was the council consensus.

Councilor Woods suggested painting the street light poles, power washing and clean city hall and added he would like to see the fire stations painted. These items were in addition to what was brought forward by departments.

Council consensus for the Library's budget priorities was to join LEO (Libraries of Eastern Oregon) and four software upgrades for staff computers.

Council consensus for the Finance Department was to approve the software upgrades for staff computers.

Councilor Kelley asked if the current computers will be able to handle the new software.

Manager Hall replied all computers would with the exception of the Police Chief's and he would be purchasing a new computer this budget year.

Council consensus for the Fire Department was to upgrade the radio communication equipment and breathing air equipment. This would be done by replacing a few each year until all are replaced.

Councilor Humbert asked if the Electric Department would have to upgrade their radios as well.

Manager Hall replied she would have to research this.

Councilor Humbert asked Ms. Hall if there was a rolling stock schedule for replacement of fire trucks.

Ms. Hall said the fire trucks are very expensive and that the city is still paying for the newest truck in service. She added that all vehicles in the motor pool are automatically placed on a replacement schedule – usually 10-15 years.

Council Consensus for the Police Department priority was to explore the possibility of hiring an additional dispatcher to help alleviate scheduling conflicts and help reduce the number of overtime hours.

A brief discussion ensued among the council regarding charging for dispatch services by private entities.

The Electric Department capital project requests are already budgeted therefore, council agreed to approve the long term capital improvement project list.

Council's top priority for the Recreation Committee was improvements to the Aquatic Center, with the second priority being adding more sports fields.

Youth Councilor Sandoval suggested Frisbee Golf as another activity for the parks and recreation committee similar to what Fort Walla Walla offers.

Mayor Lewis Key stated he would like to see 5th Street go straight through by Stadelman's and Cockburn's and get rid of the zig zag on Main Street that we have currently.

Councilor Woods shared he would like to see the flume at Marie Dorian Park redone to produce power and have the farmers pull from the deep aquifer and leave the water in the river.

MANAGER'S REPORT

Due to the lateness of the hour the manager's report was deferred.

City Manager Linda Hall stated she wanted to thank Councilor Lyon for requesting additional police patrols after a business and a church had been vandalized. This request went right out to the police department which resulted in Corporal Greg Stallings being in the area and catching the fire at Wee Bit O'Heather while it was small.

There being no further business, the meeting was adjourned at 9:37 p.m.

Lewis S. Key, Mayor